

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

OLGA DE LEON, et al., §
§
Plaintiffs, §
§
v. § CIVIL ACTION NO. G-05-579
§
MAN SHIPPING L.P., et al., §
§
Defendants. §

**ORDER DENYING DEFENDANT BHPB FREIGHT PTY. LTD.'S MOTION FOR
SUMMARY JUDGMENT**

Plaintiffs bring this action against Defendants for personal injuries allegedly occurring on March 28, 2003 when Plaintiffs, who were stowing away on the WELL PESCADORES after she departed from the Dominican Republic, were allegedly thrown overboard. Two of the Plaintiffs died as a result. Defendant BHPB Freight Pty. Ltd., formerly known as BHP Billiton Transport & Logistics Pty. Ltd., filed its Motion for Summary Judgment, and Plaintiff filed a timely Response thereto. Contemporaneously with Plaintiffs' Response, Plaintiff filed an Unopposed Motion for Partial Dismissal requesting that the Court dismiss their claims against BHPB Freight Pty. Ltd. Because the Court is granting Plaintiffs' Motion for Partial Dismissal, Defendant BHPB Freight Pty. Ltd.'s Motion for Summary Judgment is respectfully **DENIED** as moot. Each Party is to bear its own taxable costs, expenses, and attorney's fees incurred herein to date.

IT IS SO ORDERED.

DONE this 5th day of October, 2006, at Galveston, Texas.



Samuel B. Kent
United States District Judge